

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PEGGY LaROCK,

Plaintiff,

v.

6:04-CV-0070

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
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THOMAS J. McAVOY  
Senior United States District Judge

**MEMORANDUM-DECISION and ORDER**

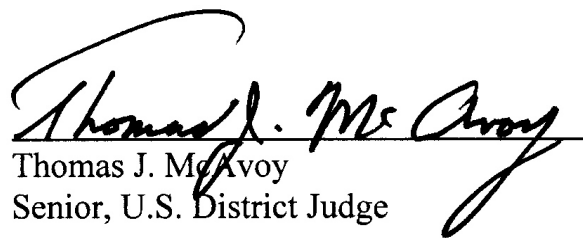
This action brought pursuant to 42 U.S.C. § 405(g) was referred by this Court to the Hon. David E. Peebles, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(d).

No objections to the Report-Recommendation dated May 10, 2006 have been filed. After examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is therefore **ORDERED**, that Plaintiff's motion for judgment on the pleadings is GRANTED, the Commissioner's determination is **VACATED**, and this matter is **REMANDED** to the Agency for further consideration pursuant to sentence four of § 405(g).

IT IS SO ORDERED.

Dated: June 22, 2006



Thomas J. McAvoy  
Senior, U.S. District Judge